

08/952574

10 November 1997

Applicant or Patentee: Marc Gagné
 Serial or Patent No.: PCT/CA96/00297 Atty. Dkt. No.: 2283-1-001
 Filed or Issued: May 10, 1996
 For: GENETICALLY TREATED ANIMALS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) AND 1.27 (e)] - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN IMMUNOVA
 ADDRESS OF CONCERN 2750 Einstein Street, Suite 110
Sainte-Foy, Quebec, Canada G1P 4R1

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.21.5-1B, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled GENETICALLY TREATED ANIMALS by inventor(s) Marc Gagné, described in:

- ☐ the specification filed herewith;
☒ application serial no. PCT/CA96/00297, filed May 10, 1996;
☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor who could not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR 1.27]

NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JACQUES HEBERT
 TITLE OF PERSON OTHER THAN OWNER PRESIDENT + CEO
 ADDRESS OF PERSON SIGNING 2750 Einstein Street, Suite 110, Sainte-Foy, Quebec, Canada G1P 4R1

SIGNATURE Jacques Hebert DATE 7-1-97

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10th November 1997

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **GENETICALLY TREATED ANIMALS**, the specification of which

[] is attached hereto.

[X] was filed on May 10, 1999 as Application No. PCT/CA98/00287
and (if applicable) was amended on May 29, 1997

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having filing date before that of the application on which priority is claimed;

Prior Foreign Application(s)

| Number | Country | Day/Month/Year Filed | Priority Claimed |
|------------------|----------------------|----------------------|------------------|
| <u>9508481.1</u> | <u>Great Britain</u> | <u>10 May 1995</u> | <u>Yes</u> ✓ |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

| Application Serial No. | Day/Month/Year Filed | Status (Patented, Pending, Abandoned) |
|------------------------|----------------------|---------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

I hereby appoint the following attorneys, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

ROBERT MITCHELL, Registration No. 25,007; GUY HOULE, Registration No. 24,871; PAUL MARCOUX, Registration No. 24,990; KEVIN P. MURPHY, Registration No. 26,674; ROBERT CARRIER, Registration No. 30,728; MICHEL J. SOFIA, Registration No. 37,017; FRANCE CÔTÉ, Registration No. 37,037; JAMES ANGL THART, Registration No. 38,788; STEFAN J. KLAUBER, Registration No. 22,604; DAVID A. JACKSON, Registration No. 28,742; BARBARA L. RENDA, Registration No. 27,628; RAYMOND M. SPIER, Registration No. 28,810; Michael D. Davis, Registration No. 39,181; and address all correspondence to:

KLAUBER & JACKSON

Continental Plaza

411 Hackensack Avenue

Hackensack, New Jersey 07601

Direct all telephone calls to David A. Jackson at (201) 487-5800

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1005 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|---|---|--------------------------------|
| Full name of sole or first inventor Marc GAGNE | Inventor's signature <i>Marc Gagne</i> | Date 7-11-97 |
| Residence 813, rue Pellan, St-Jean-Christophe, Québec, Canada G6Z 2S6 CAX | | Citizenship Canadian |

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